THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.11382 OF 2005

DATED: 08-8-2007

Between:

K. Vasanth Kumar

.. Petitioner

and

L.B. Nagar Municipality, rep. by its Commissioner, Ranga Reddy District and others.

.. Respondents

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ORDER:

This writ petition is filed seeking a mandamus directing the respondents not to interfere with the smooth functioning of the telephone booth of the petitioner and not to interfere with his peaceful possession over the booth.

It appears, the petitioner, being unemployed, wanted to set up a public telephone booth and sought permission of the L.B.Nagar Municipality to erect a telephone booth opposite to Ranga Reddy District Court Buildings at L.B. Nagar, and the L.B.Nagar Municipality, on 11.09.2002, on production of 'No Objection Certificate' from the Superintendent of Police, Ranga Reddy District, accorded permission for erection. Consequently, a telephone booth was erected by the petitioner and business was being carried on by him. While that being so, on 07.05.2005, a news item was published in Andhra Jyothi Telugu Daily stating that the respondents were demolishing the telephone booths and other shops erected by the side of the road in the L.B.Nagar Municipality area. Thereupon, the petitioner approached the respondents and enquired as to why the demolition of telephone booths was being taken up and requested them not to demolish his telephone booth, as it would cause irreparable loss to him. But the respondents did not consider his request and stated that they would proceed with the demolition. The petitioner alleges that no notice of any kind was issued. Under similar circumstances, earlier he filed I.A.No.3058 of 2004 in O.S.No.1181 of 2004 before the learned Principal Junior Civil Judge, East and North, Ranga Reddy District, wherein status quo as on 12.08.2004 was granted and the said matter

is still pending. Though the said fact was brought to the notice of the respondents, they did not consider the same and were trying to demolish the telephone booth erected by him. Hence, this writ petition.

While admitting the writ petition on 08.06.2005, this Court, by order in W.P.M.P.No.14568 of 2005, directed the respondents not to demolish the telephone booth of the petitioner, pending disposal of the writ petition.

I am of the opinion that the impugned action of the respondents in trying to demolish the telephone booth of the petitioner, which was erected with the prior permission of the municipality, without issuing any notice, is arbitrary and illegal. The respondents can issue a show cause notice and then take appropriate action as per law.

With the above observation, the writ petition is closed. There shall be no order as to costs.

C.V. RAMULU, J

8th August, 2007.
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